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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3RD DAY OF APRIL, 1998

B E F O R E

THE HON'BLE MR. JUSTICE TIRATH S. THAKUR

WRIT PETITION NO. 10414/1998

BETWEEN:

T.K. Chandra Mouli,  
S/o Shri.T.S.K. Murthy,  
aged about 37 years,  
R/a No.18/18, II Cross,  
N.R. Layout, Lakkasandra,  
Bangalore - 560 011.

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.. PETITIONER.

(By Shri.K. Ravindra Nath, Adv.)

AND:

1. The Deputy Commissioner  
Detection of Undervaluation  
District Registration Office,  
No.26, New No.2722, 4th Block,  
12th Main Road, Jayanagar,  
Bangalore - 11.
2. Sub Registrar  
Registration Office,  
No.26, 4th Block, 12th Main,  
Jayanagar, Bangalore - 11. .. RESPONDENTS.

(By Shri.Ashok Naik, HCGP)

This writ petition filed under Art.226 and 227 of the Constitution praying to direct R1 and R2 to release the documents of the petitioner retained by the Deputy Commissioner, R1 to the petitioner; grant interim order to direct respondents to release documents pertaining to property No.232, BTM Layout, B'lore etc.

This petition coming on for preliminary hearing this day, the Court made the following:

ORDER

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Issue rule.

2. Govt. Advocate accepts notice for respondents and agrees for disposal of the writ petition at this stage itself.

3. The only question that falls for consideration is whether the document which forms the subject matter of adjudication proceedings under Sec.45A of the Karnataka Stamp Act, 1957 can be indefinitely retained by the adjudicating authority pending the finalisation of such proceedings. The question has been answered by a Division Bench of this Court in 'Kuruville Vs. District Registrar' (ILR 1994 Kar. 3055) wherein this Court has held that any such document in respect of which proceedings are pending cannot be indefinitely retained by the adjudicating authority and upon an application being made, the same can be returned to the person who presented the same on such terms and conditions as the Authority may deem just and proper to impose. In the light of the above decision, the District Registrar ought to have considered the request for return of the documents and passed orders on the same. This writ petition accordingly



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succeeds but only to the extent that the District Registrar shall consider and dispose of the petitioner's request for return of the document expeditiously and as far as possible within three months from the date an application is made to him in that connection.

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Sd/-  
JUDGE

SAC\*

